



Substance Abuse Treatment Court Standard and Practices Manual

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FOREWORD

The purpose of the following document is to provide a general framework of common principles, policies and practices for Substance Abuse Treatment Courts (SATC) in Santa Barbara County. This structure of standards and practices will:

- Minimize duplication of effort and ensure greater coordination and consistency between all SATC programs throughout Santa Barbara County;
- Maximize coordination and sharing of treatment resources;
- Strengthen efforts to obtain and sustain Federal funding; and
- Facilitate development of coordinated long-range plans for financing SATC operations.

Developed through a consensus of involved countywide agencies, the standards include all of the elements that are considered essential to the operation of a Substance Abuse Treatment Court in Santa Barbara County. Collectively, they represent a model program. Specific practices are also described to provide examples of actions, which should be taken to ensure conformity to the countywide standards.

Clearly, there are and will continue to be differences between individual SATC Programs. All programs are intended to reflect the unique needs and operational environments of the local court jurisdictions. However, it is also clear that there is a need for overall uniformity as to basic program components and operational procedures and principles. Therefore, this document is an attempt to outline those fundamental standards and practices to which all SATC programs in the County should subscribe.

INTRODUCTION

A Substance Abuse Treatment Court is a full or part-time Court that has been specifically designated and staffed to supervise non-violent drug defendants who have been referred to a comprehensive and judicially monitored program of drug treatment and rehabilitation services.

Based on an innovative program that was first developed in Miami, Florida in 1989, the Drug Court or Substance Abuse Treatment Court concept has received widespread attention as an effective treatment strategy for drug involved criminal offenders. There are several hundred such programs now in operation in jurisdictions throughout the nation. Bench officers, criminal justice administrators and treatment providers studied the concept in Santa Barbara County. In March of 1993 Santa Barbara County implemented its Substance Abuse Treatment Courts in Santa Maria and Santa Barbara.

Substance Abuse Treatment Courts pioneered a very non-traditional approach to criminal offenders who are addicted to drugs. Rather than focusing only on the crimes they commit and the punishment they receive as a consequence, the SATC attempts to address some of the underlying problems that led to addiction and subsequent criminal behavior.

Substance Abuse Treatment Courts are built upon a unique partnership between the criminal justice system and the drug treatment community, one which structures treatment intervention around the authority and personal involvement of the SATC Judge. Substance Abuse Treatment Courts are also dependant upon the creation of a non-adversarial courtroom atmosphere where a single Judge and a dedicated team of Court officers and staff work together toward a common goal of breaking the cycle of drug abuse and criminal behavior.

Because of the unique problems and opportunities that present themselves in working with drug-involved criminal defendants, treatment and rehabilitation strategies must be “reality-based” and therefore recognize:

- Addicts are most vulnerable to successful intervention when they are in the crisis of initial arrest and incarceration, so intervention must be immediate.
- Preventing gaps in communication and ensuring offender accountability are of critical importance, so supervision of participants by all partners involved in the SATC model must be coordinated and comprehensive.
- Addiction to drugs is a long-standing, debilitating condition, so treatment must be long-term and comprehensive.
- Addiction to drugs seldom exists in isolation from other serious problems, which undermine rehabilitation, so treatment must include integration of other available services and resources such as family counseling, mental health services, educational assessments and opportunities, vocational assessments, training and job placement.
- Relapse and intermittent progress are part of the recovery process; so progressive sanctions and incentives must be integral to the SATC treatment strategy.

Although individual Substance Abuse Treatment Programs will vary, the goals common to all are to:

- Reduce participant contacts with the criminal justice system;
- Reduce costs associated with criminal case processing and re-arrest;
- Reduce jail overcrowding;
- Introduce participants to an ongoing process of recovery designed to achieve total abstinence from illegal use of drugs;
- Promote self-sufficiency and empower substance abusers to become productive and responsible members of the community.

A. CURRENT ELIGIBILITY STANDARDS

1. Standard: Consideration for admission to the SATC shall be limited to those defendants who:

- 1.1 Have been arrested for violations of Health and Safety (H&S) Code Sections 11350, 11364, 11365, 11377 or 11550
- 1.2 Have been arrested for violation of 647(f) of the Penal Code (PC)
- 1.3 Have been arrested for violation of theft related offenses as follows:
 - a. 484/666 PC, provided that the priors are misdemeanors and do not exceed two prior offenses.
 - b. Other drug related theft/fraud cases, including but not limited to violation of Penal Code Sections 496, 470 or 484, where the criminal history is insignificant and/or non-violent, at the discretion of the District Attorney.
 - c. Restitution and the ability to pay will be required as a condition of enrollment in SATC and payment of restitution is a prerequisite to graduation from SATC.
- 1.4 Have qualified for a court-ordered diversion program under Penal Code 1000 but have failed to comply, will be considered on a case by case basis with the approval of the sentencing judge.
- 1.5 Persons currently on probation in Santa Barbara County that have violated that probation, must have the violation resolved before the defendant is enrolled in SATC.

2. Standard: Defendants will not be eligible for SATC who:

- 2.1 Are illegally in the United States.
- 2.2 Are charged with any offense whether misdemeanor or felony, involving an act of violence, or is charged with sales or possession of drugs with intent to sell, unless the amount possessed is an amount that would reasonably justify a possession disposition and it appears that the sale was to support the user's habit.
- 2.3 Are charged with a violation of 459 PC, "Professional" Commercial, Residential Burglary, or Auto Burglary.
- 2.4 Are charged with 10851 VC, Auto theft.
- 2.5 Are charged with 23152 VC, Driving under the influence of alcohol or drugs.
- 2.6 Are charged with possession or use of any deadly weapon or firearm.
- 2.7 Are charged with a crime resulting in death or serious bodily injury.

2.8 Are charged with a crime involving use of force against another.

3. Standard: Defendants will not be eligible for SATC who:

- 3.1 Have been convicted of any sex crime.
- 3.2 Have more than two felonies.
- 3.3 Have more than two theft convictions AND the present SATC eligible case is a theft case.
- 3.4 Have been convicted of possession or use of a firearm or dangerous weapon.
- 3.5 Have been convicted of a crime resulting in death or serious bodily injury.
- 3.6 Have been convicted of a crime in which force was used against the person of another.

4. Standard: In unusual cases the SATC District Attorney shall have the discretion to admit otherwise ineligible persons with a disqualifying misdemeanor if the defendant would benefit from the SATC program. In exercising that discretion, the following guidelines apply:

- 4.1 Weapons – Involvement of a firearm in the misdemeanor conviction is an absolute bar to eligibility. In a misdemeanor conviction involving knives or other weapons, use of weapon in the commission of the convicted crime is an absolute bar to admission.
- 4.2 Propensity for violence – Discretion of the District Attorney in cases where violence was involved in the commission of the misdemeanor should focus on whether the defendant currently represents a danger to the staff, program or public.

Practices:

In exercising their discretion and allowing entry into the program, the following factors will be considered in determining an unusual case for a defendant with a prior disqualifying violent misdemeanor:

- a. No involvement of a firearm*
- b. The nature, seriousness and circumstances of the prior offense*
- c. Nature and extent of injuries to the victim*
- d. Whether the defendant was an adult or juvenile*
- e. Remoteness of the offense*
- f. The defendant's background, criminal history and propensity for violence.*

B. SUITABILITY STANDARDS

1. Standard: Probation Officers assigned to the SATC treatment team shall assist the Judge in determining the overall suitability of defendants for the

program. Potential candidates will be interviewed and assisted in completing the SATC Questionnaire.

Practices:

Factors to consider for admission to the SATC program include family and community ties, employment status, defendant's prior criminal history, excluding offenses which would automatically deny the applicant entry but may be helpful in determining suitability for the program, drug use, method of use and impact on the defendant's life. The officer will assess the defendant's motivation to effect change in his/her life and look for an acknowledgement of a need for treatment. These are the most significant factors in determining suitability.

C. OPERATIONAL STANDARDS

PERSONNEL:

1. Standard: Each agency represented by the CORE Committee agrees to support qualified SATC programs by making appropriate adjustments to internal policies, practices and procedures to ensure successful day-to-day operations of the program. Each agency will cooperate with efforts to establish qualified SATC programs and set minimum standards for operating and administering the SATC program to the extent of providing staff, support or statistical information.

Practices:

The sponsoring Courts, the District Attorney, Public Defender, Probation Officer, Sheriff, Alcohol, Drug and Mental Health Services and other participating agencies will:

- a. *Provide administrative support for the development and compliance with agency-wide, uniform policies and procedures for all SATC operations.*
 - b. *Encourage agency-wide communication and cooperation between dedicated SATC Court personnel.*
 - c. *Develop agency-wide procedures to collect and maintain statistical and evaluation information based upon countywide standards.*
 - d. *Establish a jurisdictional Memorandum of Understanding (MOU) to ensure the continuity of all legal policies and other standards necessary to the operation of the SATC.*
2. Standard: Those agencies providing personnel to the SATC team shall assign staff and alternates dedicated to the SATC based on interest in the program, motivation, and professional abilities.

Practices:

Whenever feasible, agencies will make full or part-time staff assignments to the SATC program for a minimum term of one year to ensure continuity of day-to-day operations and strengthen relationships between key professionals.

INTAKE/REFERRAL

3. Standard: After arraignment the defendant will be referred directly to the SATC.

Practices:

- 1. The District Attorney will establish eligibility for SATC prior to Probation screening for suitability.*
- 2. Probation will screen for suitability, after eligibility is determined by the District Attorney, and advise the Court, District Attorney, and Public Defender or private counsel of the outcome, prior to the defendant's first appearance in drug Court.*
- 3. If accepted, defendant will be immediately referred to the treatment provider where program orientation will begin. The SATC Judge may order the defendant escorted to the treatment center.*

4. Standard: Once the defendant is admitted to the SATC program, a fourteen-day "trial" period is in effect during which time the defendant can "opt out" of the program and standard criminal proceedings are resumed.

Practices:

At the first SATC hearing the Judge will advise the defendant that he/she must:

- a. Attend initial program orientation*
- b. Attend scheduled treatment sessions*
- c. Comply with drug testing order*
- d. Return to court as ordered*
- e. Follow all reasonable orders of the probation officer*
- f. Comply with treatment provider rules*

D. COURT ROOM STANDARDS

1. Standard: The Court recognizes the drug Court calendar as a priority and will establish a specialized, calendar, on a part or full time basis, dedicated to the evaluation, treatment and supervision of eligible and suitable SATC defendants.
2. Standard: The courtroom clerk, as an agent of the Court Administrator, shall keep the SATC Judge aware of the administrative procedures that effect SATC operations and ensure that all SATC cases are processed in an efficient manner.

3. Standard: Pursuant to the written policies of the Public Defender and District Attorney, urinalysis results shall only be used to evaluate the participant's progress in the SATC program. (See SATC contract)
4. Standard: Pursuant to the written policies of the Public Defender and District Attorney, statements made by SATC participants shall not be used in subsequent adversarial proceedings. (See SATC contract)
5. Standard: All treatment-related documents, including progress reports and test results shall be maintained in a confidential manner in the Court's file. The treatment progress report shall be made available to the District Attorney, Defense attorney and Probation Officer only for purposes of advocating for levels of treatment, recycling, termination or matriculation while the defendant is under the supervision of the SATC. The confidential documents shall be ordered sealed upon successful completion or termination from the SATC program.

Practices:

1. *It will be the treatment provider's responsibility to file the treatment progress reports with the court.*
2. *All parties shall only use treatment progress reports to evaluate the defendant's progress in the treatment program.*

E. PROGRAM FEES

1. Standard: Each SATC participant will be assessed \$780.00 for the program based on ability to pay.

F. PROGRESSIVE SANCTIONS and POST ADMISSION EXCLUSION CRITERIA

1. Standard: The SATC program must include a plan for graduated sanctions, which may be applied as an immediate and direct consequence of program failure.

Practices:

1. *The SATC Judge, at his/her discretion, may employ the following treatment interventions to assist defendants in complying with the program: (This is not intended as a full listing of possible sanctions nor does it limit judicial discretion.)*
 - a. *Increased drug testing.*
 - b. *Increased participation in outpatient, individual and/or group sessions.*

- c. *Written essays on various recovery related topics*
- d. *Increased frequency of SATC Court appearances.*
- e. *Commitment to residential treatment for a specified period of time.*
- f. *Jail commitments.*

2. Standard: Once a defendant is enrolled in SATC he/she may be excluded from the program for cause.

Practices:

- 1. *Working as an informant.*
- 2. *Evidence that the defendant committed any of the following offenses:*
 - a. *Any theft offense.*
 - b. *Sale or possession of a controlled substance.*
 - c. *Any sex crime*
 - d. *Any burglary*
 - e. *Crime of violence*
 - f. *Possession of a firearm*
 - g. *Possession of an illegal weapon*
- 3. *Illegal residency in the United States.*

G. DATA COLLECTIONS & PROGRAM EVALUATIONS

1. Standard: Regardless of location, all SATC programs shall establish an automated data collection and program evaluation process. Statistical information will be provided to the University of California at Santa Barbara (UCSB) for final compilation and analysis.

2. Standard: The Probation Officer shall collect and maintain the statistical data from all member agencies to be forwarded to UCSB. The university will provide reports as requested.

Practices:

The design of SATC data base systems shall include:

- a. *Maximum utilization of existing countywide justice information systems and system interfaces.*
- b. *Maximum utilization of existing County data communication networks.*
- c. *Minimum reliance on manual data entry and report generation to reduce redundancy and errors.*
- d. *Safeguards to ensure data integrity.*
- e. *Safeguards to ensure privacy and security of all records.*

3. Standard: Data collected will be analyzed to determine best practices and to provide information requested by various grantors to maintain and secure funding. Data collection efforts shall focus on defining the participant population and identifying critical operational issues.

Practices:

1. *Identify implementation issues*
2. *Make adjustments to program operations and policies*
3. *Establish and “fine tune” all of the needed program components*
4. *Establish management information procedures*
5. *Establish problem-solving procedures to address unanticipated developments.*

H. TREATMENT STANDARDS

THE TREATMENT PROGRAM

1. Standard: The SATC treatment providers shall provide comprehensive individualized response to the biological, psychological, and social causes of addictive disorders.
2. Standard: The SATC program will only refer participants to established drug treatment facilities that are licensed and/or certified by the State of California and are approved by the Core Committee.
3. Standard: When referred to the treatment provider, participants will comply with the standards and practices of that program.
4. Standard: Although the actual length of the program will vary for each participant according to each individual’s progress, the minimum length of the program shall be 18 months.
5. Standard: SATC recognizes the importance of urinalysis testing in evaluating the progress of each participant. Drug testing will occur at program as determined for each phase as well as random testing by Probation.
 - 5.1 Positive drug screens for which the participant denies use will be sent, following agreed upon protocols, to the lab for Gas Chromatography/Mass Spectrometry (GC/MS) confirmatory testing.
6. Standard: The program will consist of five phases:
 - 6.1 Phase 1 – Stabilization & Assimilation:
Length is a minimum of 10 weeks
 - Completion of twenty-five acupuncture sessions
 - Attendance at one individual and five group sessions per week
 - Drug testing five times per week
 - Attendance at five to seven 12-step meetings per week
 - Weekly court appearances as determined by SATC Judge
 - Additional case management services as determined by treatment team
 -
 - 6.1.1 Advancement Criteria to Phase 2
 - No positive drug screens for thirty consecutive days

- No unexcused absences from scheduled program for thirty days
- Documented proof of attendance at 12-step meetings
- Acknowledgement of substance abuse problem

6.2 Phase 2 – Recovery Plan Development:

Length is a minimum of 10 weeks

- Participant and counselor develop a time line for recovery plan
- Drug testing four times per week
- Attendance at four 12-step meetings per week
- Bi-weekly court appearances as determined by SATC Judge
- Additional case management services as determined by treatment team

6.2.1 Advancement Criteria to Phase 3

- No positive drug screens for thirty consecutive days
- No unexcused absences from scheduled program for thirty days
- Documented proof of attendance at 12-step meetings
- Approval by treatment team

6.3 Phase 3 – Reality and Life Skills Development 3:

Length is a minimum 10 weeks

- Participant and counselor develop a plan for life skills and begin work toward further education or employment
- Attendance at one individual and three group sessions per week
- Drug testing three times per week
- Attendance at four 12-step meetings per week
- Court appearances every three weeks as determined by SATC Judge
- Additional case management services as determined by treatment team.
- Registration with Job Training Network (JTN) for GED/Diploma and/or job search.

6.3.1 Advancement criteria to Phase 4

- No positive drug screens for forty-five consecutive days
- No unexcused absences from scheduled program for thirty days
- Proof of registration with the Job Training Network
- Provide proof of diploma or working on GED/diploma

6.4 Phase 4 Ongoing Treatment:

Length is a minimum of 12 weeks

- Attendance at one individual and two group sessions per week
- Random drug testing
- Attendance at three 12-step meetings per week
- Court appearances every four weeks as determined by SATC Judge
- Additional case management services as determined by treatment team

6.4.1 Advancement Criteria to Phase 5

- No positive drug screens for forty-five consecutive days
- No unexcused absences from scheduled program for thirty days
- Documented proof of attendance at 12-step meetings
- Approval by treatment team

6.5 Phase 5 Expanded Life Skills and Graduation Preparation: Length is a minimum 18 weeks

- Participant addresses ongoing treatment needs with an emphasis on daily living skills to return to the community as productive, responsible members.
- Attendance at one individual and one group session per week
- Random testing
- Attendance at three 12-step meetings per week
- Court appearances every four weeks as determined by SATC Judge
- Additional case management services as determined by treatment team.

6.5.1 Graduation Criteria

- Payment of restitution and fees as determined by the SATC Judge
- No positive drug screen for six consecutive months
- No unexcused absences from scheduled program for sixty days
- **Completion of GED/diploma unless specifically waived by the Court due to participants' learning difficulties**
- Obtain gainful, consistent employment or sufficiently involved in a vocational training program
- Achieved stable living arrangements
- Achieved an understanding of addiction and its impacts on personal life, criminal behavior, and relapse prevention
- Fulfillment of treatment goals and objectives
- Achieve understanding of the importance of clean and sober fellowship
- Approval by the treatment team

Practices:

1. *The treatment provider shall prepare, as necessary, a progress report that documents drug test results, compliance with the treatment plan, and any relevant information, which shall be shared with other members of the SATC team.*
2. *The treatment provider shall maintain confidentiality of all client information in accordance with 42 CFR, Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records".*
3. *The treatment provider will, in collaboration with other SATC team members, assist participants by referral to meet such needs as housing, education, vocational training, childcare, and job placement.*

4. *The treatment provider shall provide a court liaison to attend SATC court staffing in preparation for Court appearances.*
 5. *The treatment provider will collaborate with the SATC team to develop and implement a plan for urinalysis drug testing of participants. This will also include a plan for reporting results to the probation officer on the SATC team. Testing can be modified as decided by the treatment provider and the SATC team. Drug testing will initially be a minimum of five times per week and decrease as participants progress through the phases of the program. Testing will also increase as necessary to assist participants with compliance.*
7. Standard: Graduation from each phase shall only be determined by the SATC Judge and on the condition that the participant has satisfied the established minimum criteria for advancement.
8. Standard: Termination (defendants who have not successfully completed the program) and graduation (defendants who have successfully completed the program) shall only be determined the SATC Judge with the appropriate input from the treatment team. Successful completions of the Program shall be recorded as dismissals pursuant to Penal Code Section 1000.4.

I. ROLE OF THE JUDGE

1. Standard: The focus and direction of the SATC program are provided through the effective leadership of a single SATC Judge.

Practices:

1. *The Judge is in a unique position to exert effective leadership*
2. *To encourage full commitment to the success of a SATC program, the Judge must allow program staff to participate fully in the design and implementation of the program*
3. *Partnerships should be formed between the Judge, all affected criminal justice agencies, and the treatment provider, that allows collaboration in decision-making, sharing of resources, and coordination of efforts.*
4. *The Judge is responsible for maintaining a non-adversarial atmosphere in the SATC. All staff must see their job as facilitating the participant's rehabilitation.*
5. *The Judge must be one of the key motivational factors to convince the drug offender to seek rehabilitation. Less formal and more frequent court appearances should be scheduled to allow the Judge to motivate and monitor the participants.*

- 6. The Judge should conduct Court in such a way that all participants can benefit by observing the Court deliver both rewards and sanctions to others as they participate in treatment.*
- 7. The SATC Judge must be willing to serve as program advocate and represent the program in the community, before government and criminal justice agencies and other public forums, as well as be willing to seek funding for the program.*
- 8. The SATC Judge must be willing to educate himself/herself in the research and information available on addiction, treatment and recovery.*
- 9. The SATC Judge will schedule and preside over bi-monthly meetings of all members of the treatment team as well as all affected members of all agencies involved in the SATC.*

CORE COMMITTEE

SANTA BARBARA COUNTY SUPERIOR COURT
DISTRICT ATTORNEY
PUBLIC DEFENDER
SHERIFF
CHIEF PROBATION OFFICER
DIRECTOR MENTAL HEALTH, DRUG AND ALOCHOL PROGRAMS
COTTAGE CARE HOSPITAL
JOB TRAINING NETWORK
UNIVERSITY OF CALIFORNIA AT SANTA BARBARA